



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
HEDGEYE RISK MANAGEMENT, LLC,

Plaintiff,

- against -

DARIUS DALE, et al.

Defendants.
-----X

21-CV-3687 (ALC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves the Terman Defendants' motion to compel (Dkt. 381) with respect to Hedgeye's responses to the Terman Defendants' second set of document requests. The motion is GRANTED as follows:

1. Hedgeye's commitment to produce all documents referring to the Terman Defendants is a start, but hardly sufficient. At best, that commitment largely encompasses only request 1.

2. For requests to which Hedgeye lodges an objection but states that it will produce documents, Hedgeye must set forth what documents it is withholding, if any, pursuant to the objection.

3. Hedgeye may not refuse to produce documents that concern the Terman Defendants' counterclaims merely because Hedgeye believes they are fabricated or meritless or because Hedgeye may file a motion to dismiss. See requests 12-22 and 25-28.

4. While some requests are overbroad, they can be appropriately narrowed.

5. The parties should cooperate with each other in identifying documents they believe were "previously produced" in response to a request.

6. With the above principles in mind, the parties shall meet and confer about each of the requests and may bring remaining disputes – if any – to the Court’s attention.

The Clerk of Court is respectfully requested to terminate the letter motion at Dkt. 381.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: November 23, 2022
New York, New York

Copies transmitted this date to all counsel of record.